

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10297-RWZ
)	
NICOLE N. BARTLETT)	

JOINT MOTION TO AMEND JUDGMENT

The undersigned parties jointly request, pursuant to Fed.R.Crim.P. 36, that the Court amend the Judgment issued on November 1, 2007 and docketed as Entry No. 23 to correct a legal error in the sentence. Specifically, the parties recommend that the Court include a term of imprisonment of "One day, deemed served" to precede the term of supervised release imposed in the Judgment.

As reasons therefore, the parties state that it was the parties' intent that Bartlett begin a fresh term of supervised release with the first six months served at a halfway house because no term of formal imprisonment was required. The Court's November 1, 2007 Judgment executed that intent accurately. The disposition urged by the parties, however, overlooked the statutory requirement that a term of supervised release may only be imposed in conjunction with some term of imprisonment. See 18 U.S.C. § 3583(a).

To correct this error, the parties request that the Court amend the Judgment to include a term of imprisonment of one day

deemed served. The parties anticipate that should the Court amend the Judgment in this way, Bartlett will report to the United States Marshals Office on Monday, November 26, 2007 (or as soon thereafter as the Bureau of Prisons assigns a bed at McGrath House) to satisfy the imprisonment portion of the sentence, and that she will then report to McGrath House as previously contemplated by the Court in its original judgment.

Wherefore, the parties request that the Court amend the Judgment as proposed.

Respectfully submitted,

MICHAEL SULLIVAN
UNITED STATES ATTORNEY

NICOLE BARTLETT
By Her Attorney,

/s/ Timothy Watkins o/b/o
Diane C. Freniere
Assistant U.S. Attorney
1 Courthouse Way
Boston, MA 02210
Tel: 617-748-3155

/s/ Timothy Watkins
Timothy G. Watkins
Federal Defender Office
408 Atlantic Ave. 3rd Floor
Boston, MA 02110
Tel: 617-223-8061

CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on November 20, 2007.

/s/ Timothy G. Watkins
Timothy G. Watkins